

1 LAUREN M. BLAS, SBN 296823
2 LBlas@gibsondunn.com
3 333 South Grand Avenue
4 GIBSON, DUNN & CRUTCHER LLP
5 Los Angeles, California 90071
6 Telephone: 213.229.7000
7 Facsimile: 213.229.7520

8 GEOFFREY SIGLER (*admitted pro hac vice*)
9 GSigler@gibsondunn.com
10 DEREK K. KRAFT (*admitted pro hac vice*)
11 DKraft@gibsondunn.com
12 1050 Connecticut Avenue, N.W.
13 Washington, DC 20036-5306
14 Telephone: 202.995.8500
15 Facsimile: 202.467.0539

16 Attorneys for Defendants
17 UNITED BEHAVIORAL HEALTH and
18 UNITEDHEALTHCARE INSURANCE COMPANY

19
20 IN THE UNITED STATES DISTRICT COURT
21
22 FOR THE NORTHERN DISTRICT OF CALIFORNIA
23
24 OAKLAND DIVISION

25 LD, DB, BW, and CJ, on behalf of themselves
26 and others similarly situated,

27 Plaintiffs,

28 v.

UNITED BEHAVIORAL HEALTH, a
California Corporation,
UNITEDHEALTHCARE INSURANCE
COMPANY, a Connecticut Corporation, and
MULTIPLAN, INC., a New York Corporation,

Defendants.

CASE NO. 4:20-cv-02254-YGR

**UNITED DEFENDANTS' STATEMENT
OF RECENT DECISION**

[L.R. 7-3(d)(2)]

Pursuant to Civil Local Rule 7-3(d)(2), Defendants UnitedHealthcare Insurance Company and United Behavioral Health respectfully submit this Statement of Recent Decision regarding a near-identical case pending before Judge Davila, *RJ v. Cigna Health & Life Ins. Co.*, No. 5:20-cv-02255 (N.D. Cal.). As stated in Defendants' Opposition to Plaintiffs' Renewed Motion for Class Certification in this case, on February 12, 2024, Judge Davila denied the *Cigna* plaintiffs' motion for class certification. *RJ v. Cigna*, Dkt. 227. Two recent developments in *Cigna* are relevant to Plaintiffs' Renewed Motion for Class Certification in this case.

First, on March 27, 2024, the Ninth Circuit denied plaintiffs' Rule 23(f) petition for leave to appeal the district court's class certification order. *RJ v. Cigna*, Dkt. 233 (attached hereto as Exhibit 1). Second, on April 1, 2024, Judge Davila denied plaintiffs' motion for leave to file a renewed motion for class certification. *RJ v. Cigna*, Dkt. 234 (attached hereto as Exhibit 2). The plaintiffs' motion offered to propose "narrower subclasses" that address Judge Davila's finding that Cigna's UCR obligations under class members' disparate plans lack commonality. *Id.* at 2. Judge Davila declined to grant leave for plaintiffs to file a renewed motion, stating that "every court asked to certify a class based on alleged ERISA § 502(a)(1)(B) violations of UCR obligations has consistently denied certification," and concluding that the plaintiffs "have not shown an intervening change in controlling law, emergence of new material facts," "clear error in the Court's order denying class certification," or "any other basis justifying a renewed class certification motion." *Id.*

DATED: April 4, 2024

Respectfully submitted,

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Geoffrey Sigler
Geoffrey Sigler

Attorneys for Defendants UNITED
BEHAVIORAL HEALTH and UNITED
HEALTHCARE INSURANCE COMPANY